

## Department of Justice

## § 36.502

	Subparts A–D	ADAAG
General .....	36.401(b) Commercial facilities in private residences. 36.207 Places of public accommodation in private residences.	4.1.3.
Work Areas .....	.....	4.1.1(3).
Structural Impracticability.	36.401(c) .....	4.1.1(5)(a).
Elevator Exemption.	36.401(d) .....	4.1.3(5).
Other Exceptions.	36.404 .....	4.1.1(5), 4.1.3(5) and throughout.
Alterations: General.	36.401(b): commercial facilities in private residences. 36.402 .....	4.1.6(1).
Alterations Affecting an Area Containing A Primary Function; Path of Travel; Disproportionality.	36.403 .....	4.1.6(2).
Alterations: Special Technical Provisions.	.....	4.1.6(3).
Additions .....	36.401–36.405 .....	4.1.5.
Historic Preservation.	36.405 .....	4.1.7.
Technical Provisions.	.....	4.2 through 4.35.
Restaurants and Cafeterias.	.....	5.
Medical Care Facilities.	.....	6.
Business and Mercantile.	.....	7.
Libraries .....	.....	8.
Transient Lodging (Hotels, Homeless Shelters, Etc.).	.....	9.
Transportation Facilities.	.....	10.

[Order No. 1513–91, 56 FR 35592, July 26, 1991, as amended by Order No. 1836–94, 59 FR 2675, Jan. 18, 1994]

### § 36.407 Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in sections 4.7.7, 4.29.5, and 4.29.6 of appendix A to this part are suspended temporarily until July 26, 2001.

[Order No. 2191–98, 63 FR 64837, 64838, Nov. 23, 1998]

### §§ 36.408–36.499 [Reserved]

## Subpart E—Enforcement

### § 36.501 Private suits.

(a) *General.* Any person who is being subjected to discrimination on the basis of disability in violation of the Act or this part or who has reasonable grounds for believing that such person is about to be subjected to discrimination in violation of section 303 of the Act or subpart D of this part may institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in the civil action if the Attorney General or his or her designee certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security. Nothing in this section shall require a person with a disability to engage in a futile gesture if the person has actual notice that a person or organization covered by title III of the Act or this part does not intend to comply with its provisions.

(b) *Injunctive relief.* In the case of violations of § 36.304, §§ 36.308, 36.310(b), 36.401, 36.402, 36.403, and 36.405 of this part, injunctive relief shall include an order to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities to the extent required by the Act or this part. Where appropriate, injunctive relief shall also include requiring the provision of an auxiliary aid or service, modification of a policy, or provision of alternative methods, to the extent required by the Act or this part.

### § 36.502 Investigations and compliance reviews.

(a) The Attorney General shall investigate alleged violations of the Act or this part.

(b) Any individual who believes that he or she or a specific class of persons has been subjected to discrimination